





A U S T I N C I T Y C O U N C I L

AGENDA

			
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Thursday, August 10, 2006

 [Back](#)  [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 72**

Subject: C14-06-0131 - Riata Phase 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5701-5725 Diehl Trail (Walnut Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: Blue Star Austin Land, L.P. (George C. Mitchell). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-7057.

Additional Backup Material

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information: Sherri Sirwaitis, 974-7057.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0131

Z.A.P. DATE: July 18, 2006

ADDRESS: 5701-5725 Diehl Trail

OWNER/APPLICANT: Blue Star Austin Land, L.P. (George C. Mitchell)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: GO-CO

TO: GO-MU

AREA: 17.078 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GO-MU-CO, General Office-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will impose the following conditions on the site:

- 1) The property shall be restricted to 'LO' district development standards and regulations, with the exception of height limitations.
- 2) Development on the site shall be limited to less than 2,260 trips per day.
- 3) There shall be a 25-foot vegetative buffer (within the required compatibility setback) along the property line adjacent to the existing SF-2 zoning/single family residential uses to the north, west and east.
- 4) Residential development on the property shall be limited to 18 units per acre.

In addition, the applicant has agreed to post fiscal for improvements at the intersection of Riata Vista West and Parmer Lane, Riata Vista East and Parmer Lane, and Delcour Drive and Parmer Lane in association with zoning case C14-00-2188.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

7/18/06: Approved the staff's recommendation of GO-MU-CO zoning by consent (6-0, B. Baker, J. Gohil, J. Martinez-absent); M. Hawthorne-1st, C. Hammond-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting GO-MU, General Office-Mixed Use District, zoning to develop a net of approximately 306 multifamily residential units on this tract of land. In the proposed rezoning request, the applicant is offering to limit multifamily density to 18 units per acre and to limit development on the site to 2,260 vehicle trips per day (as previously approved by Ordinance No. 010118-82 in zoning case C14-00-2188).

The staff is recommending GO-MU-CO zoning for this site because the proposed mixed use combining district will allow the applicant to provide additional housing opportunities in an area of the city with numerous employment facilities. The proposed GO-MU-CO zoning is consistent with the intent of the Golden Triangle Area Study, which previously zoned this property to MF-3 on March 13, 1986 (Golden Triangle Study Recommended Future Land Use Map & Recommended Zoning Map – Attachment A). GO-MU-CO zoning will allow for a transition in uses from the SF-2 zoned properties to the north and west to the LI zoned tracts of land to the south and east.

In the proposed conditional overlay the staff recommends maintaining the current CO for on this property for LO, Limited Office, district development standards and regulations, with the exception of height limitations. The height and setback regulations for this property will be governed by Compatibility Standards that are required for all properties adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive use. The staff is also recommending a 25-foot vegetative buffer (within the required compatibility setback) along the north, west, and east property lines to provide for additional screening from the existing SF-2 zoning/single family residential uses.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO	Undeveloped
<i>North</i>	SF-2	Single-Family Residential
<i>South</i>	MF-3, GO-CO	Multifamily (Riata Apartments), Office/Warehouse
<i>East</i>	GO-CO, LI	Office/Warehouse (Highflex), Undeveloped
<i>West</i>	SF-2	Single-Family Residential

AREA STUDY: Golden Triangle Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 55 - Northwood Homeowners Association
- 313 - Parmer/Avery Island Neighborhood Association
- 742 - Austin Independent School District

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0174	I-RR to LI-PDA	1/08/02: Approved staff's recommendation of LI-PDA by consent (9-0)	2/07/02: Approved LI-PDA on all 3 readings (6-0, Goodman-absent)
C14-01-0145	IP to P	11/13/01: Approved staff's recommendation of P zoning by consent. (8-0, J. Martinez-absent)	12/13/01: Approved P on all 3 readings (7-0)
C14-00-2188	MF-3 to GO	12/05/00: Approved staff's rec. of GO-CO w/ conditions (8-0): 40 foot height limit, 100 foot building setback from any single-family residential property, 'LO' development standards and regulations, and a 2,260 vehicle trip limit per day.	1/18/01: Approved PC rec. of GO-CO (6-0); all 3 readings

C14-98-0130	I-RR to LI-PDA I-RR to GR-MU	Approved initiation of rezoning from I-RR to GR-MU, LO-MU and IP (5-0-1, DS-abstain) Approved LI-PDA & GR-MU by consent (8-0-1)	Approved PC recommendation of LI-PDA (TR1&3), GR-MU (TR 2A/2B) with conditions (6-0); all 3 readings
C14-96-0001	GR-CO to GR-MU	Approved alternate recommendation of GR-CO-MU (5-1)	Approved PC recommendation of GR-MU-CO w/ conditions (6-0), all 3 readings
C14-84-0022	Restrictive Covenant Amendment	Approved RCA with neighborhood and applicant agreement (6-0)	Approved RCA with conditions (5-0, WL/JG-absent)

RELATED CASES: C14-00-2188 (previous zoning case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Diehl Trail	64'	44'	Collector	South Side	No	No

CITY COUNCIL DATE: August 10, 2006

ACTION:

ORDINANCE READINGS: 1st

2nd


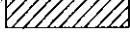


3rd

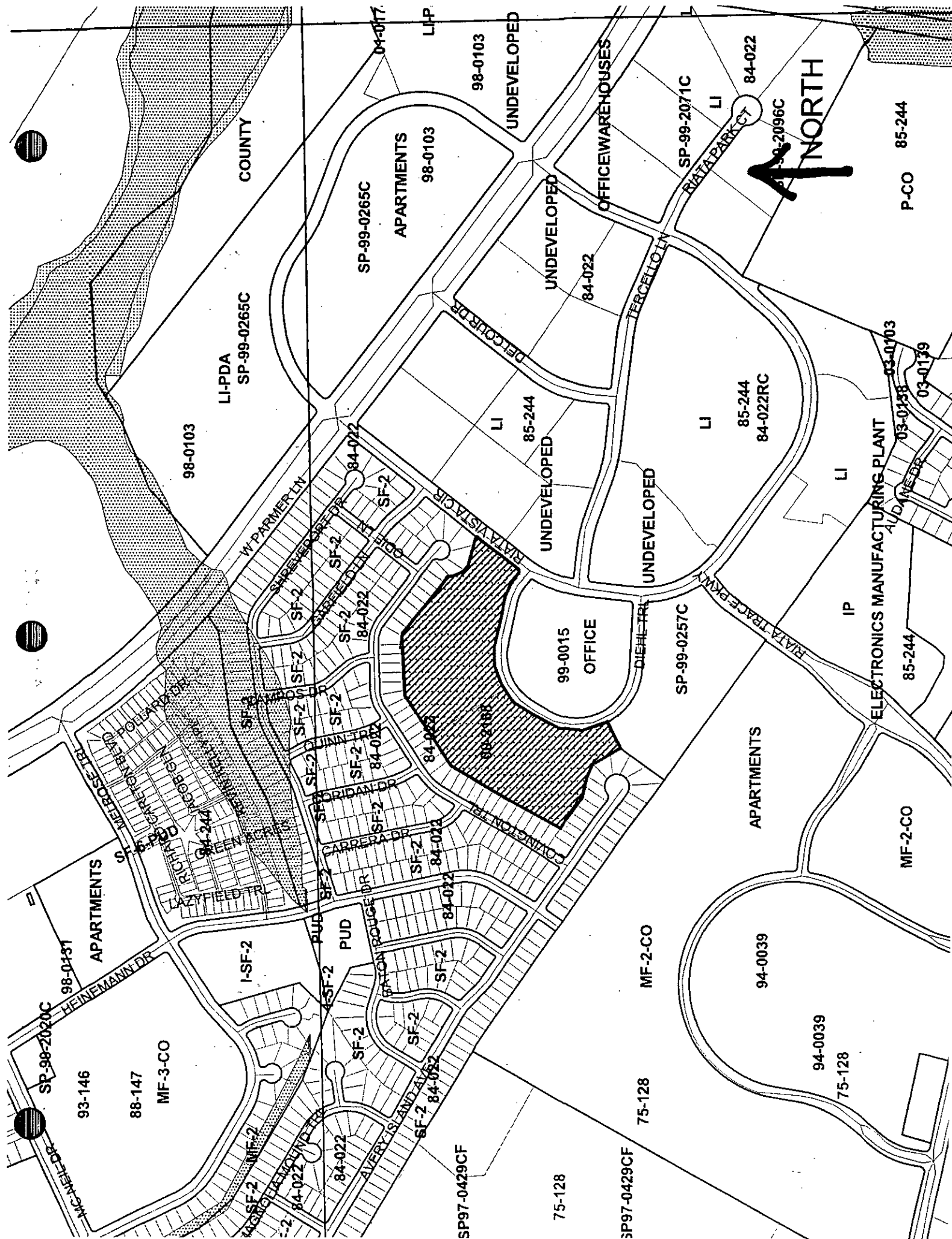
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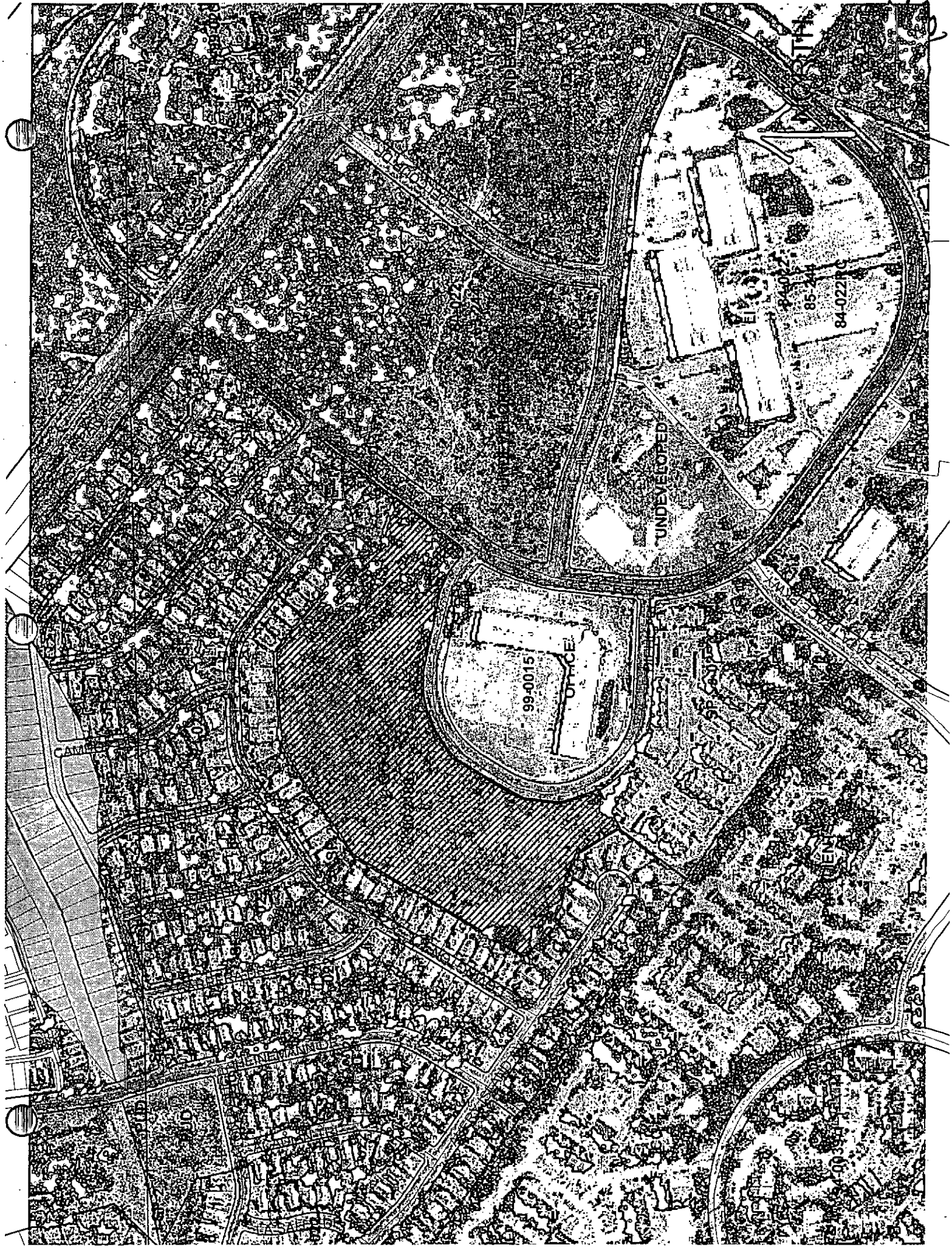
CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-06-0131 ADDRESS: DIEHL TRL SUBJECT AREA (acres): 17.078	DATE: 06-06 INTLS: SM	CITY GRID REFERENCE NUMBER J36
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S.SIRWAITIS			





STAFF RECOMMENDATION

The staff's recommendation is to grant GO-MU-CO, General Office-Mixed Use-Conditional Overlay District, zoning. The conditional overlay will impose the following conditions on the site:

- 1) The property shall be restricted to 'LO' district development standards and regulations, with the exception of height limitations.
- 2) Development on the site shall be limited to less than 2,260 trips per day.
- 3) There shall be a 25-foot vegetative buffer (within the required compatibility setback) along the property line adjacent to the existing SF-2 zoning/single family residential uses to the north, west and east.
- 4) Residential development on the property shall be limited to 18 units per acre.

In addition, the applicant has agreed to post fiscal for improvements at the intersection of Riata Vista West and Parmer Lane, Riata Vista East and Parmer Lane, and Delcour Drive and Parmer Lane in association with zoning case C14-00-2188.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2. *The proposed zoning should promote consistency, and orderly planning.*

The GO-MU-CO zoning district would be compatible and consistent with the surrounding uses because there is existing office (GO-CO zoning) and multifamily uses (MF-3 zoning) to the south of this site. In addition, the proposed GO-MU-CO zoning will create a transition in the intensity of uses from the SF-2 zoned properties to the north and west to the LI zoned tracts of land to the south and east.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GO-MU-CO zoning district would allow for a fair and reasonable use of the site because the proposed mixed use combining district will allow the applicant to provide additional housing opportunities in an area of the city with numerous employment facilities. This zoning is appropriate for this location because it will be compatible with the surrounding residential, commercial and industrial land uses.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently undeveloped. The site is relatively flat and contains numerous trees. The properties to the north, east, and west are developed with single-family residences. To the south

there are office/warehouse uses and an apartment complex. The tracts of land to the east, which are zoned for LI use, are currently undeveloped.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 80 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the Northern Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 30,204 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because the applicant agreed to post fiscal for improvements at the intersection of Riata Vista West and Parmer Lane, Riata Vista East and Parmer Lane, and Delcour Drive and Parmer Lane in association with zoning case C14-00-2188. The site shall be limited through a conditional overlay to no more than 2,260 vehicle trips per day.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Diehl Trail	64'	44'	Collector	South Side	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, utility adjustments, and utility relocation. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

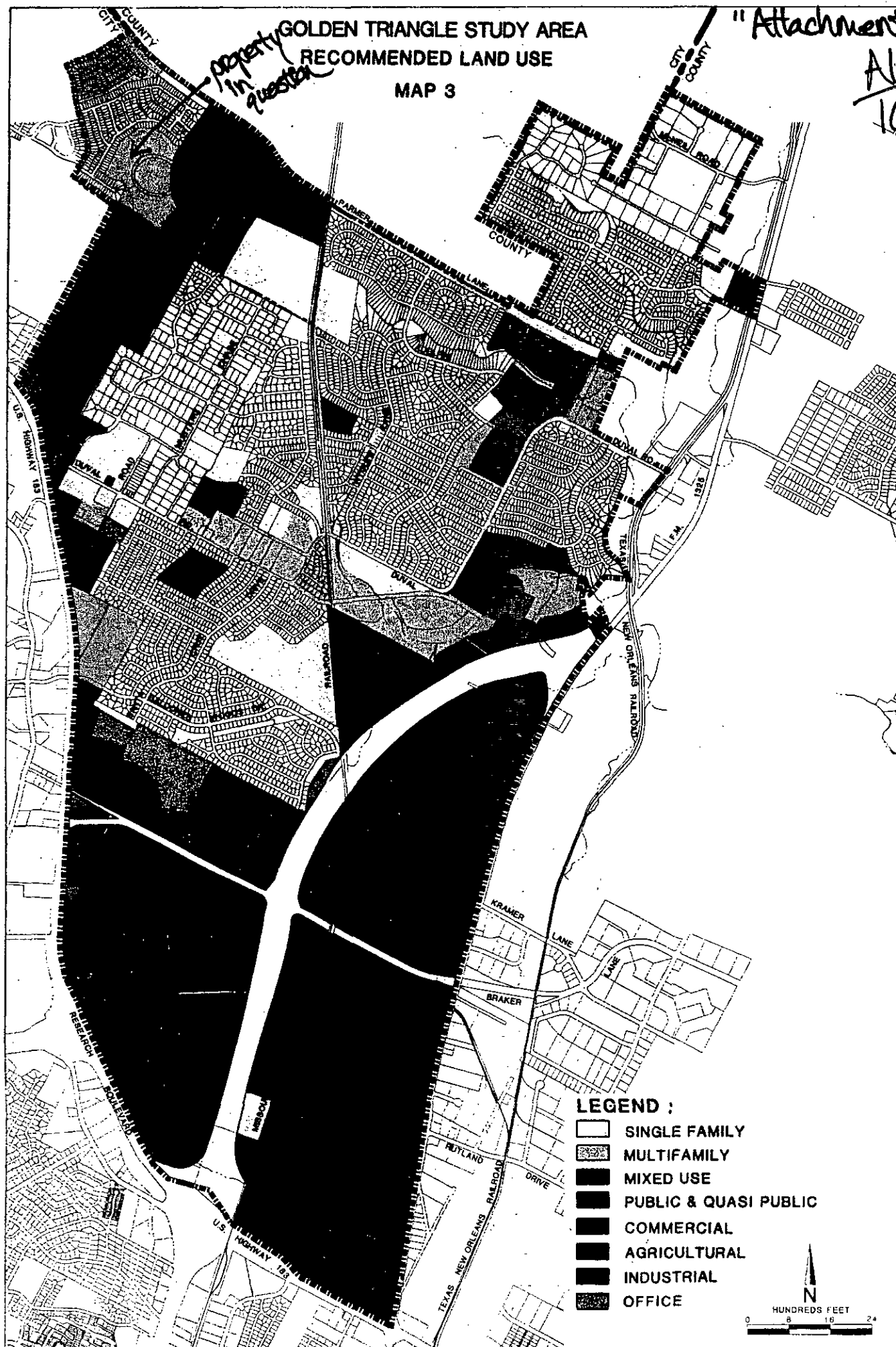
Compatibility Standards

The site is subject to compatibility standards. Along the north, east, and west property lines the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

"Attachment A"
A/Ce
10

MAP 3



MAP 4



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0131
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing: 6:05 PM
July 18, 2006 Zoning and Platting Commission

☒ I am in favor
☐ I object

Brad Laughlin 787-0935
Your Name (please print)

12708 Riata Vista Circle
Your address(es) affected by this application

Brad Laughlin 7-9-06
Signature Date

Comments: We own the building directly across the street. I have been very pleased with Blue Star's projects thus far. The apartments continue to add to the neighborhood, look nice, and attract good tenants. We support the zoning change.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

13
AIG

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Case Number: C14-06-0131

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your Name (please print)
Jeanne A. Elliott

Your address(es) affected by this application
12713 Covington Trail, Austin, TX 7

Your Signature
J. A. Elliott

Date
7/26/06

Comments:

I request a 100 foot Capitably setback
that includes a green belt between
MU area and property owners on Covington
Trail.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-06-0131

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission

Lindsey Capps

Your Name (*Please print*)

5706 Avery Island Ave.

Your address(es) affected by this application

Lindsey Capps

Signature

7/17/06

Date

Comments: I am opposed to this zoning change. I would argue that the proposed change would lower the property value of the surrounding houses. This change would severely decrease the use and enjoyment of my property. I would have a major loss of privacy in my backyard. The proposed change would severely impact the aesthetics of the neighborhood. The change would also bring an increase in crime, traffic and noise. Please see attached page.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

Zoning and Platting Commission

July 18, 2006

Case Number: C14-06-0131

Contact: Sherry Sirwaitis

Comments from: Lindsey Capps

5706 Avery Island Ave.

I am opposed to this zoning change. I would argue that the proposed change would lower the property value of the surrounding houses. This would severely decrease the use and enjoyment of my property. I would have a major loss of privacy in my backyard. The proposed change would severely impact the aesthetics of the neighborhood. The change would also bring an increase in crime, traffic and noise. There is a certain security risk where people using the parking and driveways directly behind my fence could rob my house and get away quickly and unnoticed or jeopardize my personal safety. I would ask that you evaluate this change as if you lived in the neighborhood. How would you feel about this new kind of development? I am not against a company's right to develop its property as long as it works to improve the value and aesthetics of the entire community.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 5701 TO 5725 DIEHL TRAIL FROM GENERAL
3 OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT TO
4 GENERAL OFFICE-MIXED USE-CONDITIONAL OVERLAY (GO-MU-CO)
5 COMBINING DISTRICT.

6
7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from general office-conditional overlay ((GO-CO) combining
11 district to general office-mixed use-conditional overlay ((GO-MU-CO) on the property
12 described in Zoning Case No. C14-06-0131, on file at the Neighborhood Planning and
13 Zoning Department, as follows:

14
15 Lots 1 and 2, Milwood Subdivision, Section 19, a subdivision in the City of
16 Austin, Travis County, according to the map or plat of record in Plat Book 85,
17 Page 551-55B of the Plat Records of Travis County Texas (the "Property"),

18 locally known as 5701-5725 Diehl Trail in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

- 23
24
25 A. A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively
27 with all existing or previously authorized development and uses, generate traffic that
28 exceeds 2,260 trips per day.
- 29
30 B. The Property shall be developed according to the limited (LO) office site development
31 regulations and performance standards of the Code, except as to height limitations.
- 32
33 C. Building height on the Property shall not exceed 60 feet from ground level.
- 34
35 D. A 25-foot wide vegetative buffer shall be provided and maintained along the north,
36 west, and east property lines. Improvements permitted within the buffer zones are
limited to drainage, underground utility improvements or those improvements that

1 may be otherwise required by the City of Austin or specifically authorized in this
2 ordinance.

3
4 E. Residential development on the Property shall be limited to 18 units per acre.

5
6 Except as specifically restricted under this ordinance, the Property may be used in
7 accordance with the regulations established for the general office (GO) base district and
8 other applicable requirements of the City Code.

9
10 **PART 3.** This ordinance takes effect on _____, 2006.

11
12 **PASSED AND APPROVED**

13
14
15 _____, 2006

16
17
18 Will Wynn
19 Mayor


20
21 **APPROVED:**

22 David Allan Smith
23 City Attorney

24 **ATTEST:**

Shirley A. Gentry
City Clerk





1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S.SIRWAITIS.

CITY GRID REFERENCE NUMBER

J36

CASE #: C14-06-0131

ADDRESS: DIEHL TRL

SUBJECT AREA (acres): 17.078

DATE: 06-06

INTLS: SM